

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Laura Strauss	Team: Squad #6	CCRB Case #: 202003714	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/29/2020 4:10 PM	Location of Incident: Canal Street and Mulberry Street	Precinct: 05	18 Mo. SOL 11/29/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sun, 05/31/2020 12:51 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 05/31/2020 12:51 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. Raymond Spinella	00000	877007	S S B

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Shelby Henry	02982	960655	INT CIS

Officer(s)	Allegation	Investigator Recommendation
A. Raymond Spinella	Force: Chief Raymond Spinella used physical force against an individual.	[REDACTED]
B. Raymond Spinella	Force: Chief Raymond Spinella used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On May 31, 2020, § 87(2)(b) filed this complaint via the CCRB's website.

On May 29, 2020, at approximately 4:10 p.m., § 87(2)(b) and her husband, § 87(2)(b) attended a Black Lives Matter protest march that began at Foley Square in Manhattan. At Canal Street and Mulberry Street, Chief Raymond Spinella, of Support Services Bureau, spoke with an unidentified black female protestor. Chief Spinella allegedly stood very close to the individual, repeatedly thrust his body toward her and made sporadic, shaking movements with his body. Chief Spinella then allegedly pushed the individual with his chest (**Allegation A: Force**, § 87(2)(g)). The individual stepped back, and § 87(2)(b) approached Chief Spinella. Chief Spinella then allegedly made the same thrusting movement with his body toward § 87(2)(b). Chief Spinella's chest allegedly made physical contact with § 87(2)(b)'s chest and arm, but he did not push her (**Allegation B: Force**, § 87(2)(g)). No summonses or arrests resulted from this incident.

Surveillance video footage from East West Bank was obtained but did not capture this incident (BR 01).

Findings and Recommendations

Allegation (A) Force: Chief Raymond Spinella used physical force against § 87(2)(b)

Allegation (B) Force: Chief Raymond Spinella used physical force against § 87(2)(b)

§ 87(2)(b) testified (BR 02) that while marching in a Black Lives Matter protest with § 87(2)(b) she observed a young, black woman speaking with Chief Spinella. § 87(2)(b) who was approximately 10 feet away from them, did not learn the female's name or any identifying information for her. Chief Spinella thrust his torso toward the individual in an intimidating manner. Chief Spinella and the individual were extremely close to each other, but § 87(2)(b) was not sure whether there was any physical contact. § 87(2)(b) approached them and told Chief Spinella to leave the individual alone. Chief Spinella then made the same intimidating, thrusting motion toward § 87(2)(b) who was approximately six inches away from him. Chief Spinella's chest made physical contact with § 87(2)(b)'s chest and arm, but he did not push her. A male protester then stated that Chief Spinella was a "pedophile" and he stepped back. The individual, § 87(2)(b) and § 87(2)(b) then continued marching. Chief Spinella followed the individual for approximately five blocks, from a distance, but did not say anything.

§ 87(2)(b)'s phone statement (BR 03-04) was generally consistent with § 87(2)(b)'s testimony. He specified that while Chief Spinella and the individual were approximately one inch away from each other, she told Chief Spinella to get out of her face. Chief Spinella then thrust his body toward the individual, in what § 87(2)(b) described as a sporadic and rigid movement that looked like § 87(2)(b) being electrocuted. The entire front of Chief Spinella's body was up against the front of the individual's body, and he pushed her with his chest. § 87(2)(b) stepped in between them and Chief Spinella made the same body movements toward § 87(2)(b) for several seconds.

The individual did not file a duplicate complaint and absent any identifying information or contact information, the investigation was unable to identify her.

Chief Spinella testified (BR 05) that he and Det. Henry monitored a large group of protestors as they marched from Foley Square toward the Brooklyn Bridge. They walked in the street, to the side of the protestors. He and Det. Henry were separated several times throughout the day. There was not a point at which Chief Spinella, or any other officers, directed protestors to keep moving. The protestors were able to move at their own pace. Chief Spinella did not recall this incident. Chief Spinella did not recall an interaction that he had with a black female or white female around Canal Street and Mulberry Street. He did not push or make any physical contact with a black female

protestor. Chief Spinella did not recall whether he thrust his body toward a black female protestor. He did not recall shaking his body in a sporadic motion toward a protestor. Chief Spinella did not know whether he made any motions with his body toward a black female protestor. He did not remember whether he pressed the front of his body against a black female protestor's body. Chief Spinella did not recall whether he had any physical interaction with a white female protestor, identified as § 87(2)(b). He did not thrust his body toward a white female protestor. He did not recall whether he pressed his body against a white female protestor. Chief Spinella did not recall whether a protestor stated that he was a "pedophile" or whether several protestors gathered to observe an interaction in which he was involved. Chief Spinella followed the group of protestors but did not follow any individual protestors.

§ 87(2)(g)

Det. Henry and Chief Spinella's intention in following the protest was to ensure that the protestors abided by the law and were not violent or disruptive. There were portions of the protest when Chief Spinella was not in Det. Henry's line of sight. Det. Henry did not recall this incident. She did not recall seeing Chief Spinella interact with a black female or a white female. Chief Spinella did not push or make any physical contact with a black female protestor. Det. Henry did not see Chief Spinella thrust his body or make a shaking motion with his body toward a black female protestor. Chief Spinella did not push or make physical contact with a white female protestor, identified as § 87(2)(b). Det. Henry did not see Chief Spinella thrust his body or press his body against a white female protestor. After they left the location, Det. Henry did not speak with Chief Spinella about anything that happened during the protest.

Surveillance footage from East West Bank captured protestors marching on Canal Street but did not capture this incident or any police officers (BR 01). § 87(2)(b) captured a video of Chief Spinella and the individual walking, after the incident occurred. He initially agreed to send it to the CCRB, but he and § 87(2)(b) were subsequently uncooperative in providing the video and were unresponsive to repeated requests for the footage. Neither Chief Spinella nor Det. Henry were equipped with body-worn cameras and requests for BWC footage yielded negative results (BR 07-08). A request for TARU footage yielded negative results (BR 09). As a chief, Chief Spinella was not required to carry a memo book and Det. Henry did not have any memo book entries regarding this incident (BR 10). There is no concurrent investigation being conducted by the NYPD (BR 11). Additionally, given an incomplete detail roster compiled by Patrol Borough Manhattan South, the investigation was unable to identify any additional officers who may have witnessed this incident (BR 12). No documentation was identified as related to this incident.

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- Chief Spinella has been a member of service for 38 years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. Chief Spinella's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- § 87(2)(b) has been party to one CCRB complaint and has not been named a victim in any allegations (BR 13).

§ 87(2)(b)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of January 4, 2021, the NYC Comptroller’s Office has no record of a Notice of Claim being filed in regard to this complaint (BR 14).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR 15).

Squad No.: 6

Investigator: _____ Inv. Laura Strauss 1/7/2021
Signature Print Title & Name Date

Squad Leader: Jessica Peña IM Jessica Peña 1/7/2021

Signature _____ _____
Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____